

Village of Cold Spring Chapter 134 Amendments SEQR Part 3 Environmental Assessment Form Continuation Sheet

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Part 3 EAF Summary

The Village of Cold Spring Board of Trustees has been committed to a multi-year process to update the Village Code supported, in part, by grants from the New York State Energy Research and Development Authority and the Hudson River Valley Greenway. At the end of the process, the Village Code will consist of 47 chapters in total, of which 35 have been proposed for amendment or adopted and for other actions such as repeal, or for repeal and replacement. The Village Board scheduled public reviews and public hearings on the chapters proposed for amendment in several phases due to the enormity of the undertaking. Chapter 1 of the Village Code will be the last one to be updated, because it provides the organizational structure for the entire Village Code.

The action under consideration in this Environmental Assessment Form (EAF) is amendments to Chapter 134, Zoning. For a complete understanding of the changes proposed to Chapter 134 (and related chapters 76, Noise and 104, Signs), readers are referred to the proposed amendment documents including guides to the changes, available from the Village Clerk's Office at Village Hall or on the internet at <https://www.coldspringny.gov/mayor-board-trustees/pages/chapters-76-noise-104-signs-and-134-zoning>.

The Part 2 EAF preparation included an identification of one topical threshold being reached, the potential for environmental impacts on Historic and Archaeological Resources identified in question 10, the only impact category that was checked YES on the Part 2 EAF. The Village is home to local, state and nationally significant historic and archaeological resources and so SEQR requires an assessment of potential impacts of all actions proposed that could affect such resources when they are present. The EAF concludes that the proposed amendments to Chapter 134 are designed to protect

such historic and archaeological resources and will not have the potential for causing a significant adverse impact.

There were no other Part 2 EAF questions in which there was the potential for any small to potentially large impacts resulting from adoption of the Chapter 134 amendments. This is largely due to the nature of the action, which is the adoption of changes to the Village's land use regulations as opposed to actions that involve land disturbance activities causing direct and irreversible changes to the Village's existing natural and cultural environment. However, adoption of municipal policies, local laws and similar rulemaking can have far-reaching implications on how land is used and developed. This part 3 EAF discusses the rationale for why the proposed adoption of Chapter 134 amendments is not likely to cause significant adverse environmental impacts. That is the conclusion of this Part 3 EAF, which together with the Village Board's review of the proposed Zoning Law Amendments as well as the SEQR Criteria for Determining Significance, are the basis for Village Board of Trustees' adoption of a Negative Declaration on the action.

First, all Zoning amendments are actions subject to the Zoning amendment processes incorporated into New York State Village Law as well as the Village's Zoning Law. The comprehensive planning and zoning processes in New York State require that all municipal land use controls must be made in accordance with a comprehensive plan. The Village Board of Trustees, through their detailed review and consideration of the proposed Zoning Law amendments by a Code Update Committee and an Ad Hoc Working Group, has spent nearly 10 years developing Chapter 134 amendments so the proposed changes are consistent with the Village's 2012 adopted Comprehensive Plan. At such time that the Village Board determines it is time for an update to the 2012 Plan, new amendments that result from such comprehensive plan process will additionally be subject to new SEQR review processes. If future plan amendments call for Zoning changes recommended in the plan amendments, these would also be subject to SEQR environmental impact assessments.

Second, all development and redevelopment within the Village that requires discretionary approvals, such as applications for subdivision, site plan, special use permits, and zoning variances, are generally subject to SEQR (i.e. Type I and Unlisted Actions but not Type II Actions) and will be reviewed by Village boards in accordance with the requirements for site-specific environmental assessments. The process

required by the SEQR regulations must be conducted prior to such boards considering approval or disapproval of any application submitted.

Third, even though there were no potentially adverse environmental impacts identified through preparation of the Part 2 EAF, this Part 3 EAF discusses the rationale for why environmental impacts of the rezoning are not expected to be significant. This EAF and the Village Board's determination of significance must consider the consequences of such rezoning on the environment, but it is not necessary to speculate about specific projects that may or may not occur.

The EAF considers relative impacts based upon the proposed changes. In other words, the EAF analysis compares the relative impacts of potential future land use and development based on the existing zoning with those of the proposed zoning. The only large change that affects development potential in the Village is the proposed rezoning of the 10.69 acre Marathon Factory site from the existing I-1 Zoning District to a proposed Planned Mixed Use District of the site. This Part 3 EAF discusses how changes from industrial uses to residential and limited office, retail, and personal services uses (to be allowed in the proposed Planned Mixed Use District) might affect community character, aesthetics, historic resources, traffic and parking, affordable housing, and community services. The most intensive uses allowable under the existing I-1 District zoning have been compared with the most intensive uses allowable under the proposed PMU District zoning to judge potential impacts. This has been discussed at length in the build-out analysis below. Also discussed are the potential impacts on community character in general within the Village, potential impacts on the Village Comprehensive Plan, potential impacts on parking, and potential impacts on housing diversity and affordability.

Finally, other Zoning districts have been created to acknowledge existing uses so that they are able to continue to function without the need for variances, as recommended in the Village Comprehensive Plan. These include: a) a new Civic District to apply to municipally owned or operated properties; b) a new Parks and Recreation District to apply to those lands that are protected as parkland or other open space, preserved through conservation easements, or owned by a land conservation organization; c) a new Educational, Religious, and Cultural District to apply to schools, houses of worship, museums, libraries, and similar uses; and d) a new Transportation District recognizes the Metro-North railroad lands and facilities that exist in a narrow strip along or near the Hudson River shoreline.

Introduction to Part 3 EAF

The Village of Cold Spring sits directly on the Hudson River within the Hudson Highlands region. According to the New York State Open Space Conservation Plan: “The Highlands are a unique physiographic region running through the States of Pennsylvania, New Jersey, New York, and Connecticut. The USDA Forest Service has analyzed and documented this area as a high priority for conservation efforts, and the federal Highlands Conservation Act of 2004 (reauthorized in 2015) codifies its status as a ‘nationally significant landscape,’ with federal funding authorized for further conservation protection. The New York Highlands are characterized by forested ridges, rocky outcrops, pristine streams and wetlands, special geologic features, and exceptional scenic vistas.”

Native Americans were known to inhabit the area now occupied by the Village at least 4,400 years before present. European settlements began about 1730 and the Village was officially incorporated in 1846. Village residents have expressed their fondness for the special qualities of Cold Spring as stated in the 2012 Comprehensive Plan:

“Cold Springers love this Village and want to keep it the way it is as much as possible. This Comprehensive Plan for the Village of Cold Spring takes into account both the advantages and the limitations of the place. The opportunities before it, the challenges facing the Village today, and the choices available to those living here, all grow from its history as an important foundry town in the 19th century and its tough fight for economic viability in the 20th and 21st. Our approach to capitalizing on those opportunities and meeting those challenges starts with understanding that Cold Spring is a traditional Hudson Valley community, created at a time when the car did not dictate development decisions. Based on ideas that have come from the people of this community, a consensus has emerged that the Village’s planning should build upon its small town atmosphere, characterized by its traditional neighborhood structure and walkability.”

Today, Cold Spring is at the center of a resurgence of interest in the Hudson Valley’s historic communities for the traditional qualities that have disappeared in other areas, especially suburban communities that all seem to look the same. This “geography of nowhere” has been well documented in both popular media as well as planning

literature. Significantly, publications like Conde Nast's Traveler magazine deemed the Hudson Valley as one of "The 23 Best Places to Go in the U.S. in 2023." Architectural Digest, another Conde Nast publication, recently named Cold Spring and Rhinebeck two of: "The Most Beautiful Towns in America."

Cold Spring is a one hour train ride from Manhattan on the Metro North railroad while Interstate Route 84 is just eight miles to the North. Increasing tourism in Cold Spring has led to a variety of effects, such as traffic congestion, vehicle parking conflicts, and heavy pedestrian activity on weekends especially. It has also helped a variety of Village businesses to stay in business. The Village attributes much of this increased interest as follows: "In 1973, the Village was designated a Federal Historic District, and tourists have been visiting Cold Spring's historic sites, shops, restaurants and hiking trails ever since. Through the changing times since 1973, the Village of Cold Spring has been unique among the Hudson River communities in retaining its fundamental character. This is largely due to the steadfast loyalty of Cold Spring residents and their ingenuity in adapting to the needs of the present while carefully preserving their heritage and way of life."

The geography of Cold Spring is both an asset and a limitation and the Comprehensive Plan recognizes both. Limited additional land is available for the Village to grow in any other way than internally. The only large vacant and undeveloped area of the Village is the 10.69 acre former Marathon Battery Factory site. Despite previous contamination of the site and its designation as a federal Superfund site, the property has been remediated and both the US EPA and State DEC have released statements declaring that as long as certain conditions on redevelopment are in place, the site may be suitable for new construction.

First, there is no construction activity or any other land disturbance activities that are proposed as part of the action to amend Chapter 134 of the Village Code. The proposed Zoning Law does not propose any fundamental rearrangement of the current land use system in the Village. Instead, it seeks to organize and consolidate existing patterns, while providing for additional limited growth compatible with the Village's historic character and its concerns for natural and cultural resource protection, as evidenced especially in the proposed Planned Unit Development designation of the former Marathon Battery Factory site. The new "Purpose" of this proposed Zoning District is to:

“Provide an opportunity for appropriately scaled and context-sensitive redevelopment of the former Marathon Battery Factory site through authorization of a Planned Unit Development (PUD). A PUD enables development of the site with a mixed-use environment including residential, recreation, and limited non-residential land uses. A PUD will allow Cold Spring to achieve a diverse and balanced community with housing available for households of all income levels. Economic diversity fosters social and environmental conditions that protect and enhance the social fabric of the Village and are beneficial to the health, safety, and welfare of its residents. Therefore, the PUD will enable economies of scale and creative architectural and planning concepts to be achieved in furtherance of the Village Comprehensive Plan, Zoning Law and existing community character.”

In addition to the proposed Planned Mixed Use District, the action consists of a variety of updated Zoning provisions designed to implement a number of other recommendations of the Village’s adopted 2012 Comprehensive Plan, to update other Zoning provisions so they are consistent with New York State Village Law, and to make the Zoning Law more readable and user friendly. Readers should consult the Village Board’s guides to the proposed changes posted on the Village of Cold Spring’s website at: <https://www.coldspringny.gov/mayor-board-trustees/pages/chapters-76-noise-104-signs-and-134-zoning>.

The process used to create the 2012 Village Comprehensive Plan defined what is most important to community residents. As a result, there are two sections of this EAF that are relevant to how the existing Zoning would change if the proposed Chapter 134 Amendments to the Zoning Law are adopted.

The first is an examination of the potential environmental effects of the action on Historic and Archaeological Resources identified in question 10, the only impact category that was checked YES on the Part 2 EAF. The second is the potential for impacts relating to “Consistency with Community Plans” (question 17) and “Consistency with Community Character”(question 18). Since the purpose of the proposed Zoning amendments is to update the current Zoning so it is consistent with the 2012 Comprehensive Plan, the answer to question 17 on the Part 2 EAF impact threshold was NO to: “The proposed action is not consistent with adopted land use plans.”

For “Consistency with Community Character” (question 18) all of the potential environmental effects of the action on community character are considered beneficial since the goal of the process is to ensure the current Zoning Law is updated to be more consistent with the character of Cold Spring, as explained further below. Therefore, no significant impacts on Cold Spring’s community character are expected. On the contrary, the Zoning amendments proposed to Chapter 134 have been designed to be more consistent with Cold Spring’s community character than the existing 1967 Zoning Law including a change in designation of the former Marathon Battery Factory site from industrial to residential mixed use as discussed further below. Here, the Comprehensive Plan states: “When zoning was introduced in 1967 it generally followed a suburban model for people with cars, which, despite subsequent amendments, is inconsistent with the past and would not permit most of the current village to be built.” Later in the Comprehensive Plan, there is a similar description of how the existing Zoning fails to maintain and enhance the community that Cold Spring residents want to preserve and protect as follows:

“The Village adopted a Zoning Law in 1967 that generally followed suburban models that, for the most part, ignored the existing pattern of development in the Village. The housing is overall a grand mixture of large and small, new and old, apartments, townhouses, ranch homes and second empires, reflecting the Village’s rich history of wealthy, poor and middle class living in close proximity. Some blocks present a row of historic buildings broken by newer construction, marking the site of a long-ago fire, an old tale of challenge and recovery. Villagers attach high importance to the small-town and historic character of Cold Spring, as seen in responses to the survey and repeatedly in public discussions... Review and revise current zoning and land use regulations to recognize existing building forms and streetscapes and to make the regulations internally consistent, in keeping with the community’s vision and goals included in this plan.” (see pages 17 and 18 and Policy 1.1.1 in the Comprehensive Plan).

Consequently, the threshold found in impact category 18 to the question: “The proposed project is inconsistent with the existing community character” was checked NO. The directions for completion of the Part 2 EAF state: “If you answer ‘Yes’ to a numbered question, please complete all the questions that follow in that section; If

you answer 'No' to a numbered question, move on to the next numbered question; Check appropriate column to indicate the anticipated size of the impact." Since no significant adverse impacts of the action have been identified through completion of the Part 2 EAF nor through the Village Board's review of the Criteria for Determining Significance found in 6 NYCRR 617.7(c) of the SEQR regulations (see Attachment A), this Part 3 EAF will discuss in a generalized manner the background and rationale for the proposed action including concepts for future development activities that may be proposed by landowners, analyzing hypothetical scenarios, and providing background information for the choices advanced in the proposed action.

Potential Environmental Impacts

Chapter 134 amendments were prepared through a public engagement process that began with the Village Board appointing a Comprehensive Plan/Local Waterfront Revitalization Plan (LWRP) Special Board in 2006. The Special Board worked for five years to engage residents of the Village and other interested parties to prepare a draft Comprehensive Plan and a draft Local Waterfront Revitalization Strategy. In 2011 and 2012, both documents were adopted by the Village Board following the community outreach and adoption processes. The Local Waterfront Revitalization Strategy (LWRS) is in compliance with the New York State Coastal Management Program and was prepared in anticipation of the eventual completion of the Village of Cold Spring Local Waterfront Revitalization Program (LWRP) document. The New York State Department of State's Coastal Management Program is responsible for approval of the LWRP following adoption of Chapter 134, assuming the Comprehensive Plan and LWRS recommendations have been fully implemented.

Following the adoption process for these two documents, the Village Board next appointed a Code Update Committee (CUC) with the responsibility to prepare amendments to the Zoning Law consistent with the 2012 Comprehensive Plan. In 2021, the CUC presented a number of recommended Code Updates to the Village Board that were enacted but, due to the complexity of the Zoning changes and a change in administrations, the draft amendments to Chapter 134 needed additional time to complete. In 2022, an Ad Hoc Working Group, composed of the Chair and a Member of the Village's Zoning Board of Appeals, two members of the former CUC, a former Chair of the ZBA, the Mayor, and one Trustee began work with the Village's

planning consultant (who also assisted the Village with the Comprehensive Plan and LWRS) to complete the Proposed Chapter 134 that is the subject of this Part 3 EAF.

In addition to updating the Zoning Law to be consistent with the adopted Comprehensive Plan, the amendments also respond to changes in State enabling laws, new planning and engineering standards, definition clarifications and new definitions to ensure proper context with the Zoning provisions, and greater consistency among Code chapters adopted over a wide range of years and decades. Chapter 134 itself has been the subject of 25 separate local law amendments since it was initially adopted in 1967. As a result, a comprehensive review of the document was needed to ensure clarity and consistency of all its provisions. The proposed Chapter 134 amendments includes a Table of Contents with the page numbers of each section added prior to adoption. Hyperlinks will also be added so users of the electronic version can easily navigate through the document by clicking on links.

A discussion of the potential for any significant adverse environmental impacts resulting from adoption of Chapter 134 follows. On the Part 2 EAF, of the 18 Impact Assessment questions asked, 17 were answered NO and one was answered YES for number 10, "Impact on Historic and Archaeological Resources." This is because Cold Spring has numerous individual structures and sites listed on the National Register of Historic Places, one National Historic Landmark, the "Cold Spring National Register Historic District," and the local "Architectural and Historic District of the Village of Cold Spring" that encompasses the entire National Register Historic District and many other locally important historic resources. In addition to National, State and locally significant historic resources, Cold Spring is also known to contain significant archaeological sites. None of the Part 2 thresholds under "10. Impact on Historic and Archaeological Resources" were checked as "Moderate to large impact may occur." This is because the action has been designed, in part, to protect the Village's significant cultural resources as discussed further below.

This Part 3 EAF serves as an assessment of the potential for adverse environmental impacts on historic and archaeological resources and as documentation of the proposed Zoning amendments and how they address future development within the Village so new development is consistent with what Village residents want, and so that development is in accordance with the policies established in the Comprehensive Plan. No attempt has been made nor is it required to address actual impacts of any construction activity that may advance due to changes in the Zoning requirements.

That must occur when applications for development approvals have been submitted to the Village for all actions subject to SEQR. There are two impact categories on the Part 2 EAF, relevant to the changes to Village rules, that relate to questions 17 and 18 on the Part 2 EAF. Although both of these answers were checked NO as discussed above, this Part 3 EAF narrative discusses at length why no significant adverse impacts have been identified as a result of the adoption of the proposed Chapter 134.

10. Impact on Historic and Archeological Resources

In the Part 2 EAF, under Section 10, Impact on Historic and Archaeological Resources, a “No, or small impact may occur” was identified as a result of the action because the Village of Cold Spring contains Local, State, and Nationally significant historic districts, historic structures, historic sites, a National Historic Landmark (West Point Foundry Archeological Site listed 01/13/2021), and other known archaeological sites. Some of these sites are located on land that will be potentially developable in the future. Historic sites are and will remain within the Village of Cold Spring Architectural and Historic District and are subject to review and approval of a Certificate of Appropriateness by the Cold Spring Architectural and Historic District Review Board before any changes to a historic resource is permitted. The Planning Board is also charged with the review of proposed subdivisions, site plans and special use permits within the historic districts and this review responsibility will continue as it has under the existing Zoning Law.

The largest vacant site potentially available for land use development purposes in the Village is the former Marathon Battery Factory site, which consists of approximately 10.69 acres of land. The proposed amendments to Chapter 134 include a new Zoning District designation of the site as the “Planned Mixed Use (PMU) District. The purpose of the Planned Mixed Use Zoning District is, as stated above, to provide an opportunity for appropriately scaled and context-sensitive redevelopment of the Marathon site through authorization of a Planned Unit Development (PUD). The entire proposed PMU District site presents a special case for planned development due to its open and undeveloped character, and its close proximity to the Village center and Metro-North rail line. This results in an opportunity to provide for a creative layout of the site that includes a greater diversity of housing options and uses than would normally be

permitted under the Village's standard Zoning districts, each compatible with the Village's character and consistent with the its historic development patterns.

Specifically related to historic and archaeological resources, the PMU district is intended to protect the historic character and surroundings of the local Village Historic District, the National Register Historic District, and other traditional Village neighborhoods, which contribute essential features to Cold Spring's community character. The PMU District is intended to be well-integrated into the Village's traditional character.

New development proposed within the PMU District will be subject to a three-step process leading to approval. This includes a concept plan special use permit that requires the following features:

- A written narrative that describes how the PUD proposal serves the purposes and intent of the PMU District as outlined in the Cold Spring Comprehensive Plan and Zoning Law.
- An analysis of the site and lands within 500 feet of the site showing environmental features such as historic resources, sensitive areas, and limitations that would affect development of the site including off-site areas affected by the proposed development plan.
- An illustrative sketch plan of the site showing proposed buildings and other structures; pedestrian, bicycle, and vehicle circulation systems including any off-site sidewalks, streets, and intersections affected by the plan; vehicle parking areas including Electric Vehicle Supply Equipment; natural areas that will remain undeveloped or subject to development restrictions; recreational areas; conceptual landscaping and stormwater accommodations; and other required items proposed on the site.
- A project phasing plan as a means to provide transportation, water supply, wastewater, emergency, school and other accommodations sufficient time to meet the needs of proposed residential and non-residential uses and compatibility with existing demand.
- A standard fiscal impact analysis model, such as the one described in Rutgers University's Center for Urban Policy Research publication entitled The Fiscal

Impact Handbook, will be used to describe the fiscal effects of the proposed concept plan.

- A solar feasibility study, which includes an analysis of potential locations for solar panels, such as rooftops and other locations throughout the site, identification of preliminary solar components, and basic electricity production estimates.
- A transportation impact analysis will be prepared using context-sensitive designs and solutions (CSS), as described in the National Cooperative Highway Research Program of the National Academies publication entitled *A Guide to Best Practices for Achieving Context Sensitive Solutions*. A transportation demand management (TDM) plan will also be prepared, consistent with the transportation impact analysis. The TDM plan will include the anticipated travel demand for the overall project and how the anticipated travel demand for the project will be met on-site or off-site including its off-site impacts on the Village.
- The review will include a plan for involvement by relevant stakeholders in the concept plan development as well as through ongoing feedback and plan development through the site plan review stage. The Planning Board will facilitate involvement and collaboration of others by seeking public feedback on the proposed concept plan early in the review process. The Village Board of Trustees and the Historic District Review Board will be responsible for identifying and providing to the Planning Board any concerns they may have on the concept plan, to participate as needed in any public meetings scheduled by the Planning Board on the concept plan development, and to make known their views on the action with respect to their areas of expertise and jurisdiction.
- The PUD concept plan Special Use Permit will be classified as a SEQR Type I action, in accordance with 6 NYCRR 617.4(a)(2) and 617.14(e) and will be subject to SEQR requirements for such actions.
- Before the concept plan special use permit may be approved, the plan must be found to be consistent with the Village Comprehensive Plan, meet all the requirements of Chapter 134 and be designed at a scale and variety of building types and styles consistent with Cold Spring's village character.
- The concept plan must be based on traditional forms of development in terms of placement, design, and quality of materials, as described in the Village of Cold

Spring Historic District Design Standards, so that they share a common identity and express their common heritage with the larger Village of Cold Spring Historic District. This standard will require Planning Board consideration of the proposed concept plans and recommendations made by the Architectural and Historic District Review Board (HDRB) in accordance with Chapter 64 of the Village Code, the Historic District Local Law, and this includes a written report of the HDRB findings.

- Finally, the proposed PUD development of the PMU District must be found by the Planning Board to be compatible with Cold Spring's character as determined by the proposed buildings and other improvements so that their arrangement, scale, bulk, form, character, and landscaping provide for a livable, harmonious, and diverse environment on the site, therefore consistent with the historic character of the Village and its designated historic districts.

Numerous other features of the PUD can be reviewed by examining Chapter 134. Chapter 134, Section 12 and Sections 16 and 16.1 include conditions that must be satisfied before the Planning Board can consider approval of a special use permit. For instance, changes proposed to the Village's site plan approval process include a reference to the need for a cultural resource assessment as part of the review of the potential impacts of a proposed application. Assuming a future development of the Marathon site is proposed and a concept plan special use permit is obtained from the Planning Board, the applicant will also be required to obtain Preliminary Site Plan approval, Final Site Plan approval, and a Certificate of Appropriateness from the HDRB.

No significant adverse environmental impacts on historic and archaeological resources are expected as a result of the adoption of the proposed Chapter 134 amendments.

Potential Impacts on Comprehensive Plan and Community Character

The proposed amendments to Chapter 134 include changes to permitted uses and the density of those uses. The primary purpose of these changes relate to the way new development is currently subject to the "suburban-style" zoning created by the 1967 Zoning Law and prior amendments. As stated in the Village Comprehensive Plan:

“When zoning was introduced in 1967 it generally followed a suburban model for people with cars, which, despite subsequent amendments, is inconsistent with the past and would not permit most of the current village to be built. It is the small town, historic character with a sense of safety and security that longtime residents and newcomers alike have come to cherish. At the same time, they understandably want modern conveniences, easy access by car, affordable living and low taxes. They look to the future with the Internet and new technologies of the information age. The world is changing at lightning speed and, although haltingly at times, Cold Spring wants to be part of it...The Village adopted a Zoning Law in 1967 that generally followed suburban models that, for the most part, ignored the existing pattern of development in the Village. The housing is overall a grand mixture of large and small, new and old, apartments, townhouses, ranch homes and second empires, reflecting the Village’s rich history of wealthy, poor and middle class living in close proximity. Some blocks present a row of historic buildings broken by newer construction, marking the site of a long-ago fire, an old tale of challenge and recovery.”

In response to the above, the proposed Chapter 134 amendments are designed to accomplish the following, among other features:

1. Proposed Chapter 134 eliminates the R-1 One-Family Residence District and replaces it with a new Residential (R) Zoning District divided into three Subdistricts, the R-O, R-L, and R-N to more closely match existing developed neighborhood lot characteristics with the Zoning Law’s dimensional requirements than the existing R-1 District. The existing R-1 District requires uniform minimum lot size and setbacks for all lots, regardless of their historic and traditional characteristics. This is because most development in Cold Spring occurred before Zoning was enacted.

Some modifications to the proposed R District on the Zoning Map include changes where inappropriate Zoning designations exist. This includes several residential lots along Rock Street, portions of lots on The Boulevard, Chestnut Street, and Kemble Avenue that are currently zoned for industrial uses (i.e. the I-1 and the I-1 & I-2 districts) are proposed to be rezoned to the R District. A portion of the Metro-

North Railroad properties Zoned for the R-1 District are proposed to be placed in a proposed Transportation (T) District. Uses such as the Haldane School properties and Dockside park that are zoned for the R-1 One-Family Residence District have been proposed to be rezoned in proposed new Zoning districts such as the Parks & Recreation (PR), Civic Uses (C), or Educational, Religious, & Cultural (ERC) districts respectively. Several residential lots found in the area of lower Main Street west of the railroad tracks that are currently Zoned for the B-1 General Business District are proposed for rezoning to the Residential (R-O or R-N) Subdistricts.

A few other lots that were largely developed before Zoning was adopted in 1967 are currently zoned for uses that do not exist on the properties. These have also been proposed to be Zoned for the uses that exist, allowing them to be legitimized, rather than requiring the owners to obtain variances for any development or redevelopment of their properties they may seek. No adverse environmental impacts are expected as a result of the proposed R District discussed herein and below in item 2.

2. The existing R-1 District encompasses the majority of the Village's lands. In this District, a one-family dwelling is permitted. Other permitted uses include places of worship, parks and playgrounds, schools, libraries and municipal buildings, customary home occupations and accessory uses. The proposed R District has been designed so the existing lots that were created over the decades before Zoning existed or were developed under the 1967 Zoning's suburban standards will be allowed to continue as they have existed for decades and this is expected to relieve the existing burden on landowners, many of whom must obtain ZBA approval of area variances before constructing desired improvements.

The proposed R District now includes an intent subsection so landowners, Village officials, and the real estate development community can better understand the Village's land use policies and how they seek to establish the design principles unique to each neighborhood, so that the scale and character of each can be maintained and enhanced. In addition to establishing the intent of the R District, the new and expanded R District provisions also include statements that define the existing character of neighborhoods (each Subdistrict is defined by a proposed description) and how this is a characteristic that the Village seeks to retain. General requirements have been added to clearly identify what is allowed and

nonconforming lots and structures are now addressed to clearly identify specific requirements that may be waived when inconsistencies exist, so variances will not automatically be required for changes. Cold Spring's Architectural and Historic District Review Board (HDRB) has developed and published an updated Village of Cold Spring Historic District Design Standards document to illustrate desired building form including size, scale, rhythm, massing, siting, style and character, parking, landscaping, and streetscape standards such as sidewalks, tree lawns, street furniture, street trees, and street lighting to provide a "sense of place" for both residents and visitors.

The R District is subdivided into three subdistricts with their own use and dimensional requirements as follows:

- a. Older Neighborhoods (R-O) Subdistrict. The R-O Subdistrict is a medium-density neighborhood consisting of a mix of residences including mostly small one-family and two-family dwellings constructed primarily in the 19th and early 20th centuries. The proposed Zoning amendments continue to permit one-family dwellings and home occupations but expand the uses permitted to include two-family dwellings (which already exist in this area of the proposed R-O District) and accessory apartments following site plan approval. One-family dwelling conversions to two-family dwellings would continue to be permitted by special use permit, Bed & Breakfasts would no longer be permitted by special use permit as they are at present due to the small lot sizes characteristic of the R-O District and the need to avoid nuisances from traffic, noise and lighting that Bed & Breakfasts can exhibit. Home occupations would be permitted with Site Plan approval. Family day care homes is a new use that recognizes the need for options when a working family requires care for pre-school children in the neighborhood. Short term rentals would be permitted provided they comply with Chapter 100 of the Village Code. The remainder of the uses currently permitted in the R-1 District would continue to be permitted under the R District.
- b. Newer Neighborhoods (R-N) Subdistrict. The R-N Subdistrict is a low to medium density neighborhood where a number of mid-Twentieth Century subdivisions were developed. Nearly all homes are one-family and there are a number of vacant lots remaining. The proposed Zoning amendments continue

to permit one-family dwellings and home occupations (with site plan approval) but expand the uses permitted to include two-family dwellings (which already exist in this area of the proposed R-N District) and accessory apartments following site plan approval. One-family dwelling conversions to two-family dwellings would continue to be permitted by special use permit, Bed & Breakfasts would no longer be permitted by special use permit, as they are at present, due to the smaller lot sizes characteristic of the R-N District and the need to avoid nuisances from traffic, noise and lighting that Bed & Breakfasts can exhibit. Home occupations within an accessory building would also be permitted with site plan approval. Family day care homes is a new use that recognizes the need for options when a working family needs care for pre-school children in the neighborhood. Short term rentals would also be permitted provided they comply with Chapter 100 of the Village Code. Group homes are not currently permitted in Cold Spring and they would be allowable subject to a special use permit under the proposed Zoning amendments. The remainder of the uses currently permitted in the R-1 District would continue to be permitted under the R-N District.

- c. Large Lots (R-L) Subdistrict. The R-L Subdistrict is composed of a variety of larger “estate” lots that were developed in the 19th and early 20th centuries. The setting of the homes found in this Subdistrict is a feature that provides Cold Spring with a link to its past and an important component of its community character. Most homes are one-family. The proposed Zoning amendments continue to permit one-family dwellings and home occupations but expand the uses permitted to include two-family dwellings (which do exist but to a lesser extent in the proposed R-L District than the proposed R-O and R-L districts) and accessory apartments following site plan approval. One-family dwelling conversions to two-family dwellings would continue to be permitted by special use permit, Bed & Breakfasts would be permitted by special use permit due to the larger lot sizes characteristic of the R-L District and the additional land areas occupied by homes in this area, that reduces the potential for nuisances from traffic, noise and lighting due to the lower densities found there. Conversions of a one- or two-family dwelling to a multi-family dwelling with up to four dwelling units would be allowed, recognizing the larger home sizes in this proposed Subdistrict can potentially accommodate division into small apartment-style dwelling units, provided a special use permit is granted by the

Planning Board. Home occupations would also be permitted with site plan approval. Family day care homes is a new use that recognizes the need for options when a working family is faced with care for pre-school children in the neighborhood. Short term rentals would be permitted provided they comply with Chapter 100 of the Village Code. Group homes are not currently permitted in Cold Spring and they would be allowable subject to a special use permit under the proposed Zoning amendments. The remainder of the uses currently permitted in the R-1 District would continue to be permitted in the R-L Subdistrict.

3. Calibrating the Village's Table of Dimensional Standards to what exists and correcting ambiguities identified in the Zoning Law will ensure development and redevelopment can continue, reducing the number of nonconforming lots while simultaneously relieving the burden on landowners, who must obtain ZBA approval of variances for most improvements; even rebuilding historic structures in-kind that are destroyed by fire, for instance, often requires obtaining ZBA approval of variances due to the nonconformity of rebuilding an in-kind replacement using the Village's existing required Dimensional Requirements. No adverse environmental impacts are expected as a result of the changes proposed to the Table of Dimensional Standards.
4. As recommended in the 2012 Comprehensive Plan, the R District's proposed new dimensional standards have been supplemented with the HDRB's Historic District Design Standards so the scale, context, and design traditions of the Village can be easily visualized and clearly communicated for all new development and redevelopment in the proposed R District. The Historic District Design Standards are administered by the HDRB under Chapter 68 of the Village Code, which requires issuance of a Certificate of Appropriateness before an alteration to any improvement in property can be permitted. A majority of the Village's R District is located within the Village Historic District and much of this area is also located within a National Register of Historic Places District.

In addition to the Village Design Standards, a clear use table (i.e. Table 6A: Table of Uses Permitted by District) is included for easier and quicker reference. The Table summarizes uses permitted by District with defined symbols used to denote permitted uses and whether site plan approval and/or special use permit approval is

also required. Prohibited uses are also identified by district. Some uses may be permitted in one or more districts but in specific districts, site plan approval or approval of a special use permit may be required. The proposed Table can be consulted to easily obtain that information without reading through pages of text (as it is in the existing Zoning) to understand the obligations required of property owners. No adverse environmental impacts are expected as a result of the changes in the proposed Zoning Law.

5. The existing definitions section of the Zoning Law has been proposed for amendment to accomplish several purposes as follows: a) modify definitions that were identified by Village officials as ambiguous over at least the past 10 years and these ambiguities have been eliminated improving the clarity of the Zoning provisions for applicants, the Planning Board, and the Zoning Board of Appeals; b) new definitions have been added for terms used in the existing Zoning Law or the proposed new Zoning Law provisions that have been designed to simplify the text, establish the precise meaning of a word that may be subject to differing interpretations, and transforming technical terms into understandable, usable terminology; c) illustrations are now included in the proposed Zoning as an aid in interpreting definitions; d) terms that are not used in the Zoning were eliminated; e) terms that may also be defined by federal, state or other government laws or rules were amended to be in agreement with such definitions; f) nationally-accepted definitions were used if available; g) words were defined or the definitions were modified within the context of the legislative intent of the zoning districts and uses permitted in such districts; and h) for terms that are not defined but used in the proposed Zoning, a clause was added that such words will carry their customary meanings as defined in dictionaries in common use. No adverse environmental impacts are expected as a result of the proposed changes to the Zoning definitions.

6. The Zoning districts where existing parks, preserves, and recreational areas are found in the Village have been designated in the proposed Zoning within a new Parks & Recreation (PR) District. These include but are not limited to West Point Foundry Preserve (currently zoned industrial), Foundry Dock Park (a National Historic Landmark zoned B-1 General Business), Mayor's Park (zoned industrial), Ronald McConville/Tot Park (zoned R-1 one-family residential), Waterfront Park and Dockside Park (zoned R-1 one-family residential). The purpose of the proposed PR District is to define areas in the Village which provide opportunities for the

enjoyment of the environment including proximity to water, recreational opportunities, opportunities for relaxation, and the opportunity to enjoy the scenery. No residential uses would be permitted in the proposed PR District but a variety of compatible civic and general uses would be permitted with commercial uses incidental and compatible to public uses, such as a visitor center and museum or cultural center subject to special use permit, and a food concession for park users, permitted subject to site plan approval from the Planning Board. No adverse environmental impacts are expected as a result of the proposed PR District.

7. The Zoning Districts where existing educational, religious, and cultural uses are found have been included in a proposed Educational, Religious, & Cultural (ERC) District. Houses of worship, schools, Julia L. Butterfield Memorial Library, and other cultural, historic or religious institutions not operated for profit are included in this District to define areas of communal gathering for the purpose of learning, exchanging of ideas, and sharing cultural or religious experiences. Neither residential nor commercial uses would be permitted in the proposed ERC District and those civic and general uses that would be permitted are clearly identified on the Table of Uses to include those land uses that are noted above. No adverse environmental impacts are expected as a result of the proposed ERC District.
8. A new Scenic Viewshed Overlay (SV-O) Zoning District is proposed that will encompass the entire Village. Adopted Comprehensive Plan policies 3.2.5 and 7.2.7 specifically recommend creation of a scenic protection overlay district designed to protect the nationally and state significant resources found in the Village or within viewsheds both to and from the Village in places including the Village of Cold Spring National Register Historic District, the Village's Architectural and Historic District, a National Historic Landmark, individual structures listed on the State and National registers of Historic Places, Scenic Areas of Statewide Significance identified by the New York State Coastal Management Program, State Parklands adjoining and surrounding the Village found within Hudson Highlands State Park Preserve, Storm King State Park, Constitution Island and other United States Military Academy lands on both the east and west banks of the Hudson near Cold Spring, and other scenic and historic sites along the Hudson River and adjoining lands that are a part of the Hudson River Valley National Heritage Area.

The proposed SV-O District establishes site development standards to be used by the Planning Board in their reviews of subdivisions, site plans, and special use permit applications to ensure any proposed changes that would occur with approvals of such applications “is not likely to impair the scenic beauty of the elements, parcels, and structures” identified in an inventory of scenic resources that accompanies the SV-O provisions. In addition to the Planning Board approvals, building permit applications for increasing the height or width of existing structures will also be subject to Planning Board review. The inventory identifies 13 separate scenic viewsheds that are important to the overall character of Cold Spring. The standards address building design and placement, lighting, streets and driveways, and utilities. No adverse environmental impacts are expected as a result of the proposed SV-O District.

9. The Office-Light Industry (I-1) District and the Heavy Industry (I-2) District are proposed for elimination in the Chapter 134 amendments, as recommended in the adopted Comprehensive Plan. Although there are separate text provisions for the two industrial zoning districts in the existing Zoning Law, both district designations are shown on the Village’s Zoning Map to apply to only one site, the West Point Foundry Preserve, now owned and protected by Scenic Hudson, Inc. This appears to have been a potential anomaly that has been corrected to eliminate all references to an I-2 District on the proposed Zoning Map.

As stated in the Comprehensive Plan: “The Village has little land available for new development, a fact that has limited construction in the 1990s and 2000s. From being an industrial powerhouse in the 19th century, the Village has little manufacturing of any kind today, though several areas are zoned for industrial use, a legacy of the days when the West Point Foundry dominated our economy.” Both the existing and future land and water uses maps developed for the Village’s Local Waterfront Revitalization Strategy (as a counterpart to the Comprehensive Plan) do not identify any lands that are occupied by either existing nor potential future uses by industry. No adverse impacts on industrial uses are expected as a result.

Further, the existing I-1 District includes allowances for developing a variety of other uses including warehouse-style lumber/building materials stores and large-scale office and research type buildings. Village policy 4.1 is clear: “Encourage businesses in the Village that provide local jobs, convenient services to residents,

sustain property values, or provide more tax revenue than the cost of services for them, at a scale that respects the Village's small town character and the primary needs of residents year-round." Policy 4.1.6 goes further: "Within the Village set size limits to prohibit "big box" stores and limit stores from large chains. Ensure franchise/formula businesses are compatible with the character of the Village." With the elimination of the I-1 District, warehouse-style lumber/building materials stores, large-scale office and research uses have been eliminated. This includes the following:

- "Office buildings for editorial, business and professional offices, and research, design including incidental clinics, cafeterias and recreational facilities for the exclusive use of company employees."
- "Manufacturing and assembling, the operation of which, in the opinion of the Planning Board, will not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of air pollution, electromagnetic or other disturbance, glare, harmful discharge, storage or dispersal of liquid or solid wastes in a manner or amount as to adversely affect the surrounding area."
- "Lumber and building materials and equipment sales and storage, provided that any lot containing outdoor storage shall be surrounded by a fence or wall with a height of not less than six (6) feet."
- "One-story buildings for display and sale of agricultural and nursery products."

Cold Spring's past industrial legacy includes contamination from such industries. The former Marathon Battery Factory site has undergone more than 25 years of remediation and monitoring by the EPA to ensure human health and the environment are not detrimentally affected from such past industrial uses. The Cold Spring Boat Club is located on a site that was contaminated when coal was processed into manufactured gas used for lighting and other purposes in the 19th and 20th centuries. The site generated coal tar as a waste by-product, which also affected numerous similar sites along the Hudson River. This site has now been remediated, and in an August 14, 2019 ruling, the New York State Department of Environmental Conservation stated that the Boat Club site: "no longer presents a significant threat to public health and/or the environment." The Marathon site is

discussed at length below. No adverse environmental impacts are expected as a result of the elimination of the I-1 District.

The “Designated Hotel-Historic-Recreational District” exists within the Zoning text of the existing Zoning Law but there are no lots within the Village that are designated on the existing Zoning Map as within this District. It has been proposed for elimination.

A portion of the existing B-3 District north of Chestnut Avenue has been redesignated as B-2 to recognize its existing uses. The B-4 District has been split into two districts, the new Medical & Health Care Facility & Senior Citizen Housing District and the Medical & Health Care Facility & Mixed Use District, recognizing recent Zoning Amendments. The proposed designations recognize these Zoning amendments and the full text of the applicable Zoning Amendments descriptions can be found within Appendices B and C of the proposed Chapter 134 Amendments.

10. The two primary review and approval processes of the Village Planning Board involve site plans and special use permits. The third primary function of the Planning Board is the review of proposed subdivisions, which are controlled by both the Zoning Law and the Subdivision of Land Law, Chapter 111. No changes are proposed to Chapter 111. However, both the site plan and special use permit provisions are found in multiple locations within the existing Zoning Law. In addition, New York State Village Law was substantially amended in the early 1990's to establish new and updated enabling laws that villages must comply with. The updated standards and procedures applying to site plan and special use permits have now been placed into one section with separate subsections for site plan and special permits, for ease of use. Both the site plan and special use permit submission requirements, standards for approval, and procedures have been updated to align with New York State Village Law and the Comprehensive Plan. No adverse environmental impacts are expected as a result of the updating of the site plan and special use permit provisions.
11. The last remaining major section of the Zoning Law proposed for amendment involves the former Marathon Battery Factory site. This approximately 10.7 acre area currently zoned I-1 is proposed to be rezoned to a Planned Mixed Use (PMU)

Zoning District where development will be restricted to a Planned Unit Development in accordance with Section 7-703-a of New York State Village Law. The 2012 Comprehensive Plan had several specific policies that apply to this site as follows:

- Policy 7.2 states: “Ensure that development of the properties in the Marathon/ Campbell / West Point Foundry Preserve (MCWPF) area results in improvements that: are well integrated in the fabric of the community; protect the natural environment and the health of residents; promote the economic health of the Village through positive tax impact and economic activity.”
- “Make appropriate access to and from the [Marathon and environs] area a prerequisite for any development there, ensuring that development does not create traffic problems that will unreasonably adversely affect current residents.” [Plan Policy 7.2.2]
- “Consider rezoning the former Marathon site as mixed uses (such district to include residential, recreational, open space, work-live, small retail business and office uses) and require special use permits for any development on the Marathon site.” [Plan Policy 7.2.9]
- “Ensure the environmental integrity and safety of the former Marathon site by making certain that a thorough study and remediation of contaminants at the site are performed before development begins.” [Plan Policy 7.2.10]
- “For commercial development on the Marathon site, encourage businesses that would be tax positive and have low impact on the community in terms of traffic, noise, etc...” [Plan Policy 7.2.11]

Each of the above policies were reviewed to ensure that the proposed new rules for the PMU District were carried out in a manner consistent with the Comprehensive Plan. The first step includes establishing a clear and well defined purpose and intent of the District so that future development enabled by the proposed new district is appropriately scaled for the Village and is sensitive to the Village’s community character. PUD’s in New York State are described in the New York State Legislative Commission on Rural Resources’ publication A Guide to Planned Unit Development as follows:

“Most planned unit development (PUD) local laws seek to achieve greater design flexibility and economies of scale in the development of particular land areas within the community. Above all, PUD provisions target specific goals and objectives included in the municipality’s comprehensive plan. Generally, PUD local laws anticipate projects that develop a tract of land as a unit (relatively large scale, but not always) in a unified manner. For example...a community faced with the prospect of uniform single-lot subdivisions, could instead encourage some on-site shopping and services for homeowners and a mix of housing types and styles

Since the closing of the Marathon Battery Factory, the site has been proposed for single family redevelopment but never developed with new uses. In addition, under the existing Zoning, the site could be redeveloped with an industrial, office or lumber/building materials store, other large-scale commercial or institutional uses, or a subdivision of one-family homes as a permitted use on lots with a minimum area of 40,000 square feet. This means that a subdivision development of the land at present could conceptually yield up to 11 single family dwellings.

The allowance for a PUD within the proposed PMU District presents an opportunity to create a plan of development that continues the variety of Cold Spring’s neighborhoods developed over time, by using as its base, a mix of different residential uses, open space uses and limited commercial uses in a pedestrian and bicycle friendly environment. This can be expected to be achieved through a three-step process of approval by the Planning Board. The process begins with a requirement for a “concept plan” special use permit, as recommended in the Comprehensive Plan, that must meet both the standards for the PUD found in the proposed PMU District and the Village’s special use permit requirements. To be considered for approval of a concept plan special use permit, applicants would be required to provide the following:

- ▶ An application that describes how the proposal meets the intent and purposes of the PMU District, how the proposal complies with the standards and requirements for the concept plan special use permit including the land uses proposed, density, project phasing, and evidence of the applicants experience in developing similar projects.

- ▶ A site analysis showing environmental features, sensitive areas, and limitations that would affect development both on and within 500 feet of the site.
- ▶ An illustrative plan showing proposed buildings and other structures; pedestrian, bicycle, and vehicle circulation systems including off-site sidewalks, streets, and intersections affected by the plan; vehicle parking areas including Electric Vehicle Supply Equipment; natural areas that will remain undeveloped or subject to development restrictions; recreational areas; conceptual landscaping and stormwater accommodations; and other items required to obtain the special use permit.
- ▶ Square footage of building floor area, number of residential units, underground utilities including lighting, recreation areas, conservation areas, stormwater management areas, water and sewer accommodations, locations for solar energy systems including roof mounted and building-integrated systems, and other information necessary to demonstrate compliance with the PMU requirements.
- ▶ Conceptual plans for possible future uses, if any portion of the PMU District is not included in the concept plan special use permit application.
- ▶ Project phasing to provide transportation, water supply, wastewater, emergency, school and other accommodations sufficient time to meet the needs of proposed residential and non-residential uses and compatibility with existing demand.
- ▶ A fiscal impact analysis to describe the fiscal effects of the proposed concept plan on utilities, transportation, fire safety, and schools, as well as property tax revenues including the proposed ownership structure of the development and its impact on municipal revenues and costs.
- ▶ A solar feasibility study that includes potential locations for solar panels, identification of preliminary solar components, and basic electricity production estimates. Related to renewable energy, all development in the PUD would avoid use of fossil fuels and electrification would be required.
- ▶ Two transportation studies including a transportation impact analysis using context-sensitive designs and solutions (CSS), as described in the National

Cooperative Highway Research Program of the National Academies publication entitled A Guide to Best Practices for Achieving Context Sensitive Solutions. In conjunction with this study, interdisciplinary collaboration is required so that technical professionals, local community interest groups, facility users, the general public, and other stakeholders who will live and work near or use the Village streets affected by the project are incorporated or addressed by the study.

The second component of the transportation studies includes preparation of a transportation demand management (TDM) plan that includes the anticipated travel demand for the overall project and how the anticipated travel demand for the project will be met on-site and off-site. An overall goal has been to reduce car dependency for future homeowners, reducing traffic congestion in the Village and specifically in an area of the Village with limited vehicle access, while reducing vehicle miles traveled for new development in an effort to also reduce greenhouse gas emissions.

The proposed PMU District with a PUD development of the largest remaining undeveloped site in the Village is located within a one-half mile walk to Cold Spring's Metro-North train station. While not specifically designated as a transit oriented development, the proposed PMU District contains a number of features that may provide significant potential advantages for economic, social, and environmental improvement in the Village. These advantages have been identified in planning literature as: "Capital investment opportunities, reduced personal expenditures for transport, mixed-use areas and housing that can foster vibrant neighborhoods, higher-density pedestrian and bicycle-friendly developments, reduced automobile dependency, and improved local air quality (Belzer and Autler, 2002)."¹

- ▶ A public engagement plan must be prepared so that the Village Board of Trustees and the Historic District Review Board can provide to the Planning Board any concerns they may have about the concept plan; stakeholders must include neighboring landowners, Haldane Central School District, emergency

¹ Bryan Dorsey, Alice Mulder, Planning, place-making and building consensus for transit-oriented development: Ogden, Utah case study, *Journal of Transport Geography*, Volume 32, 2013, Pages 65-76, ISSN 0966-6923, <https://doi.org/10.1016/j.jtrangeo.2013.08.010>. (<https://www.sciencedirect.com/science/article/pii/S0966692313001646>)

service providers like fire and police, water and sewer services, other agencies responsible for issuing approvals for the proposed development, as well as others identified through collaboration with the applicant.

- ▶ The PMU District requires use of up-to-date standards for all new development so that the energy needs of future residents of the PUD can be supplied without significantly increasing greenhouse gas emissions. An intent of the PMU District is to:

“Discourage the use and ownership of cars by future residents of the PUD and to provide abundant opportunities for walking, bicycling, and direct connections to public transit, ensuring daily activities occur within walking distance of most dwellings, reducing greenhouse gas emissions, and encouraging healthy lifestyles through physical activities woven into the concept plan...The concept plan will incorporate an overall design that decreases per capita carbon emissions, reduces water use, ensures that energy consumption meets the New York State Climate Leadership and Community Protection Act of 2019, and minimizes impervious surfaces compared to a conventional development of the site, so that the Comprehensive Plan’s goal to ‘Protect the natural environment and conserve energy’ can be realized.”

- ▶ SEQR review processes will be required for each stage of the development review and approval processes.

The Planning Board review and approval of the concept plan special use permit is predicated on the applicant successfully demonstrating and the Planning Board making a written finding that the concept plan for development of the PUD satisfies 19 special conditions on the use that were developed from the Comprehensive Plan’s recommendations for addressing consistency of development with the Village’s character, protecting the small town, historic, neighborly and diverse character of the Village including improved walkability, protecting the natural environment, conserving energy, promoting green technology and use of alternative energy, protecting scenic views, enhancing economic vitality by encouraging businesses that serve residents, changing off-street parking requirements, and ensuring that community facilities and services

meet Village needs and are efficient and affordable (see Comprehensive Plan pages 4 and 5).

The concept plan special use permit process follows the standard review and approval process for special permits such as additional compliance with the general special use permit standards, notice to neighbors and public hearings. If the special use permit is issued, the next steps involve presentation of preliminary and then final plans for site plan approval by the Planning Board. These also will follow standard review and approval procedures including notice to neighbors and public hearings.

Uses and the density of permitted uses have been calibrated to match the Village's existing character. Residential development must consist of four dwelling unit types including one-family, two-family, multi-family, and cottage dwelling units. Each of these dwelling types must be included in the concept plan application and each of the four dwelling types must comprise not less than 20% of each of the four dwelling unit types on the site.

The density to be permitted in the proposed PMU District refers to the proposed R-O neighborhood subdistrict requirements established in the proposed Table of Dimensional Requirements. The maximum number of dwelling units cannot exceed seven per net acre, with "net" defined the allowable density after subtracting the area within wetlands, regulated wetland adjacent areas, water bodies, floodplains, steep slopes of 25% or greater, easements, or significant natural and/or cultural features identified on the site, such as the habitat of a New York State Species of Greatest Conservation Need. Other non-buildable areas such as the minimum 30% open space, streets and stormwater facilities are also subtracted. This basic density requirement cannot be viewed in isolation. The proposed Zoning Law, Section 134-6.F is clear that: "In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort and general welfare." This means that the overall density of development that may be permitted within the proposed PMU District involves a number of factors that also must be included in the concept plan development.

An overall assumption of any proposed development review and approval process is the assessment of potential environmental impacts. When an unavoidable

adverse impact has been identified, it is incumbent upon the lead agency under SEQR to identify viable alternatives to the action. This may include reduced density for the overall development that may need to be adjusted to accommodate an unavoidable adverse impact when there exists good reason in the nature of the land, including but not limited to topography, location, shape, size, drainage, surface and ground water resources, and other physical features of the site as well as the character of the surrounding community. This could include conditions the EPA and/or DEC may impose to ensure protection of public health, safety and welfare. In addition, traffic, pedestrian, and bicycle safety concerns related to vehicle access to the Marathon area may also present a limitation that narrows the options for a development that is proposed based upon the minimum requirements.

The build-out analysis described below was prepared to show how the scale of development under the proposed PMU District compares with what is currently permitted in the existing I-1 District but in a conceptual or generic manner. The analysis has been based upon an assessment that assumes a potential maximum build-out for assessment purposes. Assumptions were made for areas that may not be buildable, such as steep slopes, potential State protected wetlands and wetlands adjacent areas, areas reserved for infrastructure and others but such areas are estimates that may overstate or understate the extent of their presence and therefore their effects on build-out of the site under the PUD provisions. Until traffic and transportation studies and detailed engineering are conducted as part of the review and approval processes, it will not be possible to determine an exact dwelling unit count nor specific non-residential square footage. As noted in the above paragraphs, other factors may also affect the maximum build-out of the site that are identified during the review and approval processes. Additional SEQR site-specific environmental impact assessment processes will be required before any development can be authorized.

PMU District Density

Future potential residential density in the proposed PMU District is derived from the proposed R-O Subdistrict that requires 4,000 square feet of lot area per dwelling unit. This is based upon an analysis of the Village's existing traditional

neighborhoods from the Putnam County eParcel database as well as US Census Bureau housing characteristics. The mix of residential housing types found in Cold Spring today is shown in the following table, which represents the most recent reliable data available from the 2010 Census of Housing.

Cold Spring - US Census of Housing - 2010 Dwelling Unit Mix		
Measure	Number of Units	% of Total
Total Dwelling Units	967	100%
Single Family Detached Units	504	52%
Single Family Attached Units	71	7.3%
Two Family Units	124	13%
Multi-Family Units	268	27.7%

In addition to examining the existing residential housing mix in Cold Spring, there were two existing residential neighborhoods that were selected to determine the density existing in older neighborhoods. The two blocks selected are bounded by Parsonage and Parrott streets and by Main and Bank streets. Both blocks, when viewed together, comprise an area roughly equivalent to the Marathon site and both contain a mix of one-family, two-family and multi-family dwellings. The two blocks have an average of approximately 6,300 square feet of lot area per dwelling unit. However, no parks are located within either of these blocks. Since a goal of the PMU District is to ensure incorporation of a minimum of 30% parks and open space, the proposed seven dwelling units per net acre will be adjusted, given that mandatory open space will be available so the PDU resembles traditional areas of the Village, but with green spaces integrated into the fabric of the community. This is a feature that has not existed previously when subdivision development occurred across most of the Village and yet the importance of open space protection in the Village is cited in numerous Comprehensive Plan policies. It is specifically a Comprehensive Plan policy to incorporate open space and recreation into the proposed PMU District.

A review of Census data shows that Cold Spring contains a mix of single-family, two-family and multi-family dwellings as shown in the Table above. In addition to

the existing mix that includes the percentages of each dwelling type, Census data also showed that the Village's housing stock consists of 65% owners and 35% renters. The mix of dwelling types has been proposed for continuation in the PMU District, controlled by the minimum 20% requirement for each dwelling type discussed above. The build out analysis discussed below, confirms the overall site development specified for the proposed PMU District is consistent with the traditional character of the Village.

The only new residential dwelling type proposed in the PMU District are cottage dwelling units, as recommended in the Comprehensive Plan (see Policy 1.4.1). All such units must be planned in cottage courts, with at least four and no more than eight cottages per court and no more than two cottage courts within the PUD for a maximum of 16 cottage units. Cottages are limited to no more than 1,000 square feet in size to address affordability and design standards address their integration into the Village.

Multifamily dwellings are limited to four dwelling units per building, multi-family buildings must be dispersed throughout the development, and no two multi-family dwellings may abut each other so they are also well integrated into the PUD and wider community.

Build-Out Analysis

The largest remaining privately owned vacant and potentially developable site within the Village is the Marathon site, a ± 10.7 acre area bounded by Kemble Avenue, West Point Foundry Preserve, The Boulevard, and the rear yards along a row of one-family dwellings on Constitution Drive. The site was formerly used by the Marathon Battery Company from 1952 through 1979 for the manufacture of Nike missile nickel-cadmium batteries. The manufacturing process led to discharges of untreated wastes to the Hudson River and groundwater contamination of the site. It was designated a Superfund site by the EPA in 1981 and, following remediation activities, was delisted by the EPA in 1996. Groundwater continues to be monitored and the EPA releases reports on the status of the site every five years. The most recent report was released on April 23, 2023. In the Report, the EPA has determined that: "Protectiveness Statement: The

implemented actions at the site protect human health and the environment in the short term. To be protective in the long term, VI [vapor intrusion] mitigation for new development through an agreement with the property owner is needed.”

Potential redevelopment of the site has been a long-term planning issue that was discussed at length during preparation of the Village’s 2012 Comprehensive Plan and Local Waterfront Revitalization Strategy (LWRS). This included a public presentation on Marathon by the Village’s Comprehensive Plan/Local Waterfront Revitalization Plan (LWRP) Special Board in 2009 and a Public Forum on the Marathon/Foundry/Campbell Area in 2010. The area where the Marathon site is located has limited vehicle access into and out of the Marathon/Foundry/Campbell Area of the Village due to the presence of only two narrow Village streets affording access. In addition to access to the Marathon site, these constrained Village streets also provide access to Scenic Hudson’s park at the West Point Foundry Preserve. The Planning Board’s review of the proposed concept plan special use permit must make a finding that: “The [traffic] study will include the expected number of vehicle trips (both peak and daily), an analysis of the impact of those trips on the adjacent street system and neighborhoods, the adequacy of ingress and egress to and from the PMU District area, and proposed mitigation measures to limit any projected adverse impacts.”

The Comprehensive Plan recommended that the Marathon site be rezoned from the current Office-Light Industry District to a mixed use zoning district with residential, recreational, open space, work-live, small retail business and office uses and to require special use permits for any development. The proposed Chapter 134 amendments have addressed this Village policy by proposing a Planned Unit Development (PUD) on the site under a proposed Planned Mixed Use (PMU) Zoning District that would permit redevelopment of the site with a mix of residential uses at a scale and density found in the Village as well as limited office, personal services, and small retail uses, with a minimum of 30% open space. All redevelopment on the site would be subject to issuance of a special use permit by the Village Planning Board based upon a PUD concept plan that includes numerous special conditions on the use, such as a public engagement plan, a transportation impact study, a fiscal impact study, a solar feasibility study, a phasing plan that includes the developer providing a plan for a soil vapor intrusion evaluation prior to any new construction on the site to assess the potential for exposure to site-related

contaminants, among other requirements. In addition to the concept plan special use permit, future redevelopment would also be subject to preliminary and final site plan approvals for any proposed development.

The I-1 Zoning District currently permits any use permitted in the Village's residential Zoning District (i.e. current R-1 district proposed to change to R district with R-L, R-N, and R-O subdistricts), a commercial nursery, office and research buildings that include cafeterias, clinics and recreational facilities for employees, manufacturing and assembling uses, lumber and building materials and equipment sales and storage uses, and other uses as discussed above. A build-out analysis was conducted to assess and compare the potential impacts of a hypothetical redevelopment of the Marathon Site area using eight different scenarios. The scenarios include existing zoning that would keep the I-1 District as it is at present, rezoning it to the proposed PUD in a PMU District with a mix of uses as recommended in the Comprehensive Plan, or rezoning the site area with either the R-L or R-N residential densities, and assuming one-family subdivision redevelopment of the site area. Numerous other potential options could be available under both the existing as well as the proposed Zoning but the selected scenarios have been analyzed based in part on public comment on draft versions of this Part 3 EAF.

It should be noted that the Comprehensive Plan does not recommend retaining the I-1 Zoning District but instead recommends in Policy 7.2 that it be rezoned for mixed uses including a mix of residential and limited non-residential. The area surrounding Marathon and including the West Point Foundry Preserve is recommended for public park/recreation and compatible uses. A third hypothetical scenario was developed if the Marathon site were not to be designated for PUD redevelopment and as an alternative was designated for either the R-N subdistrict or the R-L subdistrict with residential densities comparable with the Village's existing neighborhoods, as outlined in the proposed R District provisions found in Section 134-7.

The Marathon site is privately owned by a real estate developer and both the existing Zoning designation of the site as well as any change in the designation of the site from I-1 to another Zoning district is expected to result in redevelopment. Each development type analyzed in the hypothetical scenarios described below will have environmental impacts. The proposed PMU District provisions incorporate

a number of SEQR environmental assessment studies that will be necessary before a concept plan special use permit may be approved. In addition, such provisions require additional SEQR environmental assessments as part of the site plan approval processes. This is especially important since the build-out and other impact assessments provided in this Part 3 EAF are conceptual in nature and based upon defined assumptions that may or may not occur. Any other options “on the table” for the Marathon site may also require amendments to the 2012 Comprehensive Plan because of New York State Village Law’s requirement that: “All village land use regulations must be in accordance with a comprehensive plan adopted pursuant to this section.” (see Village Law Section 7-722.11(a)). The federal EPA and state DEC have both determined that the site is suitable for development provided certain conditions are put in place, including but not limited to vapor intrusion barriers in new construction. A vapor intrusion evaluation will be required as part of the concept plan special use permit review and approval process.

The different scenarios assume the 10.7 acre site is subject to redevelopment as a whole as follows:

- a) Redevelopment of the site as the proposed PUD includes a mix of one-family, two-family, multi-family, and cottage courts with none representing less than 20% of the total number of dwelling units, and with office, personal services, and retail uses limited to 5% to 10% of the site’s development mix. The build-out assumed an equivalent mix of one-family, two-family, multi-family, and cottage courts each at 25% of the maximum density that would be permitted by the proposed PMU District. Other uses that must be developed as part of the PUD’s concept plan special use permit that allows up to 10 percent of the concept plan special use permit include business/professional office, mixed use, personal service shop, and retail business.

In the future, accessory apartments in one-family dwellings would be permitted in the PMU District with Site Plan approval as they would in the Village’s other Residential Sub-districts (i.e. R-O, R-L, and R-N). A condition on such use requires that the principal One-family dwelling must have been constructed and used as a One-family dwelling for at least five years prior to the application date. Other conditions on accessory apartments would apply as outlined in the proposed Section 134-17.G. One-family dwellings could also be converted to

Two-family dwellings with Site Plan approval should the future owners of such One-family dwellings choose to apply for approval from the Planning Board. One-family or Two-family dwellings could be converted to Multi-family dwellings with Site Plan approval in the future should the future owners of such One-family or Two-family dwellings choose to apply for Site Plan approval from the Planning Board. Other uses that may occur in the future include home occupations with Site Plan approval, dwellings could be designated as Live-work units, and Family day-care homes would be allowed with Site Plan approval. A restaurant or a farmers market would be permitted with additional special use permit approval and a health and fitness establishment would be permitted with additional site plan approval. Future municipal uses and buildings, parks and playgrounds, and conservation areas would be permitted in the PMU District. The build-out analysis assumes a worst case scenario that the One-family dwellings are converted in the future to Two-family dwellings or Multi-family dwellings.

- b) Redevelopment occurs as it is currently permitted with a large scale industrial facility, a lumber/building materials store, a school, an office building or as a one-family subdivision of the site, all of which are permitted without the necessity of a special use permit. The maximum building coverage permitted by the existing I-1 Zoning District provisions was used to define the maximum allowable square footage of the non-residential scenarios and for the residential subdivision, the required minimum lot area of 40,000 square feet per lot.
- c) The third scenarios examine what level of residential site redevelopment would be possible if the Marathon site were to be rezoned for the proposed R-L or R-N Subdistrict density allowances with a subdivision, but contrary to the Comprehensive Plan's policies and recommendations; this and any other scenario may require that amendments to the Village Comprehensive Plan be adopted before the proposed Zoning amendments could be adopted.

Using build-out scenarios of current zoning contrasted with proposed zoning for a discrete area allows for a hypothetical comparison of existing versus potential development levels and the choices available to the Village Board concerning future activity. Any redevelopment of the site will produce environmental impacts from the increases in residential dwelling units within the Village, increased

commercial square footage in the Village, a new school or any other new land use that would be permitted on a privately owned and vacant site.

A build-out analysis is an effective means to present and analyze, in general terms, scenarios that may occur because of the proposed Zoning action (or inaction if the Zoning is not adopted or substantially changed). Their use in an environmental assessment process allows decision-makers to examine the constraints and consequences of narrowing future options and can also provide supporting documentation for the options that are advanced. The build-out assumes the Marathon area will be completely built-out in the future with a redevelopment under either the existing zoning if no action is taken to rezone the site, some other type of redevelopment that could be achieved if amendments were considered and adopted to the Village Comprehensive Plan and Zoning Law, or under the proposed Zoning Amendments which is consistent with the Comprehensive Plan. Calculations of redevelopment are based upon standards used in the planning and engineering professions. Additional assumptions and the methodology used can be found below.

The analysis involves three steps. The first is that lands constrained for development purposes are eliminated from consideration. This includes those lands that must be set aside for roads and infrastructure such as stormwater management facilities. It also includes lands that are unsuitable for development due to natural or man-made factors like protected wetlands and their adjoining regulated lands or subject to regulatory restrictions like steep slopes, floodplains, or protected species habitats. The result is a “net usable land area.”

Second, the existing and proposed Zoning regulations are applied to the net usable land area by assuming these lands are both suitable and available for development and could be instantly consumed for their “highest and best” use. In this way, reasonable estimates of development under existing zoning versus potential new residential and commercial development under other zoning scenarios can be made.

The next step is to translate the estimate of potential new dwelling units and non-residential square footage into relevant impact topics such as population growth, traffic generated, water consumption, and the demand for community services, such as education, for this added population. Each of these steps, including

important assumptions used in the analysis and the types of information relied on in the analysis, are described below.

All assumptions are based upon standard environmental impact assessment rates associated with land uses under the different scenarios. The first includes uses currently permitted in the I-1 District including one industrial facility, a general office building, a lumber and building supplies store, a new public school (which may qualify for immunity from the Village Zoning regulations) or private school redevelopment, and a single family subdivision, all of which are permissible under the existing I-1 District. The second is a Planned Unit Development under the proposed PMU Zoning District that was analyzed assuming there will be a mix of residential and non-residential uses derived from the uses and densities proposed in the Zoning amendment action. Driving this proposed PMU District build-out is a requirement that all dwelling units must include a mix of single-family, two-family, multi-family and cottage units, none of which can be less than 20% of the total unit count. The analysis assumes each will occupy 25% of the total PUD area, adjusted for rounding. The third is a one-family subdivision development of the site using the dimensional requirements proposed for the Village's R-L and R-N neighborhoods so that existing Village density levels of these two existing neighborhoods can be compared with the proposed mix of densities in the PMU District.

A variety of sources have been used to develop reasonable assumptions of potential impacts, based upon known characteristics of the uses from government and other accepted data sources as discussed below. The following assumptions and results were used in developing the build-out's numeric results:

1. The I-1 scenario assumes the current Zoning District remains in place in the proposed Zoning Law update. Assumptions are that a maximum build-out of the site would be achieved based upon the existing I-1 Zoning requirements for both the uses allowed without issuance of a special use permit and the potential density of such uses. If special permit uses were to be included in the build-out analysis for uses that may be permitted in the existing I-1 Zoning District, this could potentially include additional uses such as hospitals, medical centers, sanatoriums, nursing and convalescent homes as well as a Marina with a motel and restaurant facilities. Under New York State Village Law (Section 7-725-b.1), a special permit use is considered a permitted use: "subject to requirements imposed by such local law to assure

that the proposed use is in harmony with such local law and will not adversely affect the neighborhood if such requirements are met.” However, these additional uses were not included.

2. I-1 uses examined range from single family dwellings on 40,000 square foot lots, to office, industrial and other large-scale permitted uses under the existing Zoning as worst case scenarios. A maximum building coverage of 35% is assumed to be the limiting factor on existing allowable non-residential uses based upon the existing bulk regulations. Also permitted are building heights of 35 feet or 2 ½ stories. In this case, the 10.7 acres is developed as a whole with one structure of approximately 152,000 square feet and for industrial/manufacturing uses and lumber/building materials uses. For offices and for schools, a potential second story could result in double the square footage or 304,000 square feet of gross floor area. The I-1 scenarios assume that any redevelopment of the site would result in a single land use representing the uses that are permitted at present.
3. The PMU scenario assumes the maximum build-out of the current Marathon site as a PUD as proposed by Section 134-12 with the four required dwelling unit types calculated at 4,000 square feet per dwelling unit (and a maximum of seven dwelling units per net acre) and non-residential office, retail and personal service uses calculated where each 2,500 square feet of occupied floor space is equivalent to one dwelling unit at the maximum allowable 10% cap on non-residential uses.
4. Two other residential density standards, as proposed within the Chapter 134 amendments as replacements for the R-1 District with a new R District (Subdistricts R-L and R-N), examines what would happen if a residential subdivision redevelopment of the site occurred using 7,500 square feet per lot (i.e. R-N) and 27,000 square feet per lot (i.e. R-L) as the density limitations.

The table presented on the following page shows the results of the build out analysis. It is important to review the assumptions used in identifying impact categories relevant to a review of the existing redevelopment potential of the Marathon site under existing Zoning versus what could be achieved under the

proposed PMU District provisions and the two other scenarios included for comparison purposes.

Marathon Site - Build-Out Analysis and Impacts								
	Existing I-1 Zoning Permitted Uses Potential Build-Out Scenarios					Residential Assumptions Under Hypothetical R-L & R-N Density Build-Outs		PUD/PMU District Build-Out
	1-story Industrial	1-story Lumber/ Building	2-story Office Building	2-story School	1-family Lots 40,000 s.f.	(R-L) 23,000 s.f.	(R-N) 7,500 s.f.	PMU (R-O+B-I) 4,000 s.f.
Gross site acreage	10.7	10.7	10.7	10.7	10.7	10.7	10.7	10.7
PUD/PMU 30% open space acres	0	0	0	0	0	0	0	3.2
7.5% for streets, etc. (acres)	0	0	0	0	0	± 1 acre	± 1 acre	± 1 acre
Site constraints	± 0.75 acres	± 0.75 acres	± 0.75 acres	± 0.75 acres	± 0.75 acres	± 0.75 acres	± 0.75 acres	± 0.75 acres
Net Usable Acreage	± 9.95 acres	± 9.95 acres	± 9.95 acres	± 9.95 acres	± 9.95 acres	± 8.95 acres	± 8.95 acres	± 5.75 acres
Dwelling Units	0	0	0	0	11	17	52	63
Bedrooms	0	0	0	0	44	68	208	156
Residents	0	0	0	0	40	62	187	139
School Age Children	0	0	0	0	10	15	45	20
Non-Residential Density	152,000 sq. ft.	152,000 sq. ft.	304,000 sq. ft.	304,000 sq. ft.	0	0	0	7,500 sq. ft.
New Vehicle Trips PM Peak Hour	96 Trips	313 Trips	350 Trips	358 Trips	11 Trips	17 Trips	51 Trips	43 Trips
Impervious Surfaces	390,000 sq. ft.	390,000 sq. ft.	390,000 sq. ft.	390,000 sq. ft.	61,600 sq. ft.	82,110 sq. ft.	128,700 sq. ft.	133,380 sq. ft.
Water Demand	15 to 25 gpd per employee	15 to 25 gpd per employee	15 to 20 gpd per employee	15 gpd per student	4,840 gpd	7,480 gpd	22,880 gpd	14,080 gpd
Sewage Generated	15 to 25 gpd per employee	15 to 25 gpd per employee	15 to 20 gpd per employee	15 gpd per student	4,840 gpd	7,480 gpd	22,880 gpd	14,080 gpd

Assumptions used in the analysis:

1. The overall Marathon site proposed for Zoning in the PMU District is approximately 10.69 acres in size according to the Putnam County internet-based eParcel data and mapping. An intent of the District is to: “present an opportunity for a unified and planned approach to development for all lots in existence within the Planned Mixed Use District, to take advantage of the PUD’s flexibility and economies of scale offered to the landowners.”
2. Constraints on future redevelopment of the site include the following factors that allow a calculation of the net usable site acreage, which is the area that is considered developable:
 - The acreage required to be set aside in the Planned Unit Development (PUD) for open space within the PMU District is a minimum of thirty percent (30%) of the gross acreage; this area will be assigned to permanently dedicated open space such as a park, playground, and/or a village green. This has been subtracted from the gross acreage. No open space subtraction has been made for other scenarios, which do not have similar open space set-asides. For the other residential subdivision scenarios, the Planning Board must determine on a case by case basis that a need exists for recreational lands in any subdivision proposed in the Village. If a need has been identified by the Planning Board based upon a study of the issue, either a 10 percent land set-aside is required to be made (this does not include public parkland but land available only to the residents of the subdivision) or a payment is made to the Village’s recreation fund in lieu of the land set-aside. There are a number of restrictions on set-asides for recreation and open space in subdivisions and both New York State publications and caselaw on the subject should be reviewed to determine how

and when this requirement can be imposed.²

Other residential build-outs of the site include use of the existing R-1 District's minimum lot area requirement of 7,500 square feet, which has been assigned to the proposed R-N zoning subdistrict; a residential development of the site under a proposed subdivision at this density level has been included for comparison, if for instance, the site were to be designated for the R-N Subdistrict (7,500 square feet per lot) that is proposed to adjoin the site and includes the existing homes along Constitution Drive, Rock Street, and Marion Avenue. Another scenario was also developed with the proposed R-L Subdistrict (23,000 square feet per lot) for comparison purposes, since a number of mostly scattered parcels in the Village are designated for inclusion within this Subdistrict along Morris Avenue, Rock Street, Main Street, Chestnut Street, Paulding Avenue and Parrott Street. These other two scenarios would only include residential use of the site with no subtraction for an onsite private open space/recreation area for the subdivision residents.

As explained elsewhere in this EAF, the purpose of the proposed PUD designation on the Marathon site is to achieve a creative layout that includes a greater diversity of housing options and uses than would normally be permitted under the Village's standard Zoning districts, each compatible with the Village's character and consistent with its historic development patterns and neighborhood scale and densities.

- The percentage of gross developable acreage is decreased to accommodate infrastructure such as new streets and rights of way, sidewalks, stormwater

² According to *Subdivision Review in New York State*, by the Department of State's Division of Local Government Services: "The State Subdivision Enabling Statutes first require planning boards to consider whether or not a new park or recreation area should be included in a new subdivision. Second, the planning board must review the subdivision and determine whether it contains adequate and appropriate space for recreational facilities. If it does not, the planning board must then consider whether to require a payment in lieu of parkland, discussed below. In the first instance, the planning board must make a finding that a "proper case" exists for requiring that land for parks, playgrounds or other recreational purposes, be set aside within the subdivision. This determination must be supported with findings based on a study of recreational needs that includes an evaluation of the present and anticipated future needs for park and recreational facilities in the municipality based on projected population growth to which the particular subdivision will contribute. This establishes the rough proportionality between the subdivision's impact on the community's facilities and the set-aside of parkland required. There are rules limiting the reservation of park or recreational lands. For example, while there is no upper limit on the amount of land that may be required to be set aside, if the planning board requires an unreasonably large percentage of land to be reserved for parkland, a reviewing court may rule in favor of the aggrieved applicant if the matter is challenged. It is the developer's choice to dedicate the parkland to the municipality or maintain the land as private parkland for the benefit of the inhabitants of the subdivision. The planning board cannot require an uncompensated grant of land to the municipality for use by the general public."

management facilities, as well as irregular lot configurations. This assumption results in approximately 7.5 % of the site devoted to such features for the proposed PUD designation (and in the proposed PMU District) as well as for the two potential residential subdivision scenarios of the site, if it were to be designated for R-L or R-N uses and densities, rather than as a PUD.

- Natural constraints found on the site include a protected area adjacent to a New York State Freshwater Wetland located in the adjoining West Point Foundry Preserve that contains Freshwater Wetland WP-7 with the 100 foot adjacent regulated area extending into the proposed PMU District. The Hudson Valley Natural Resource Mapper also identifies this area as a potential wetland check zone needing further analysis as part of any proposed development which may further restrict areas of the site from future development due to the New York State Freshwater Wetlands Act. Areas of steep slopes are found on the site primarily in the area of the above noted Freshwater Wetlands adjacent area and along the rear of the lots that front on Constitution Drive and face to the Northeast. Both areas are assumed to occupy approximately 32,500 square feet (or approximately $\frac{3}{4}$ of an acre) of the proposed PMU District area.
- According to the New York State Environmental Remediation Databases Details for the Marathon site: “Remedial actions have successfully achieved soil cleanup objectives for residential use.” Based upon that assessment, no deductions were made for any additional areas that may need to be set aside, if in the future soil contamination levels are identified as part of any on-site analyses required before a development application could be approved. The EPA has completed its sixth Five Year Report on the Marathon site that can be viewed [here](#). The most recent report states that: “If the plant grounds are redeveloped, efforts to ensure the VI [vapor intrusion] pathway remains incomplete must be taken by ensuring that new construction is built with vapor barriers and/or VI mitigation systems.”
- The current I-1 Zoning District permits residential development of one-family dwellings, as permitted in the existing R-1 Zoning District, but using the dimensional standards found in the existing minimum lot area requirement for the I-1 Zoning District of 40,000 square feet per use (see Section 134-12.D(1)). A subdivision development of the entire site could occur as one strip of homes and driveways along Kemble Avenue (approximately 1200 linear feet) with each

house having direct access onto Kemble Avenue and thus, no need for a new Village street on the site.

- The Potential Office or Industrial/Manufacturing density is assumed to be one large development of the site with an industrial or research facility use comparable with the former Marathon Battery Factory use, as permitted by the existing Sections 134-12.B(6) and B(7) or development of one warehouse-scale store as permitted by the existing Section 134-12.B(8). Use (8) is assumed to be a lumber and building materials and equipment sales and storage facility, such as a Dain's Lumber, ESP or other non-franchise business, which typically occupies about 130,000 square feet of gross floor space or about three (3) acres of land, with typical parking occupying an additional area roughly three times the store size. An area for stormwater management facilities would need to be set aside to address the area of impervious surfaces but many big-box stores will store and discharge stormwater via underground chambers and infiltration. It is assumed that this could be used as a conservative measure, rather than setting aside an assumed area for stormwater and water quality basins. If these were not in underground chambers, then the areas assigned to parking may need to also accommodate detention and/or water quality ponds.
- Standards used in the table were taken from the following sources:
 - ▶ Site constraints were estimated from online mapping of environmental resources identified on the Marathon site and its environs by the New York State Department of Environmental Conservation's Hudson Valley Natural Resource Mapper.
 - ▶ Number of dwellings use the existing Dimensional Requirements found in the existing Zoning text for the relevant zoning districts and for the proposed PMU District from the proposed Table 6B: Table of Dimensional Requirements and for the proposed R-L and R-N Subdistricts from the same proposed Table 6B.
 - ▶ Total household size and total school-age children are from a Rutgers University Center for Urban Policy Research publication entitled Estimates of the Occupants of New Housing (2006) derived from US Census Bureau's Public Use Microdata Sample (PUMS) from the 2000 Census. This information is considered conservative because household sizes have generally been declining since the 2000 Census so the number of potential

future residents is likely overstated. Single family were assumed to all be 4 bedroom single-family units, two-family were assumed to be 3 bedroom single family attached units, multifamily were assumed to be two bedrooms per unit, and cottage dwellings (since this housing style is not present in the publication) were assumed to be one bedroom multi-family units. School-age children are assumed to be all public school-age children with none attending private schools. All of these figures have limitations related to the age and quality of the data and should be viewed as approximations. However, the Rutgers publication is widely used by numerous communities in New York, New Jersey and Connecticut as well as other states and it is an effective method for anticipating the potential worst-case effects of new development.

- ▶ Impervious surfaces were derived from Table 4.2 Land Use and Impervious Surface Cover “Mean Impervious Cover” estimates from the 2015 New York State Stormwater Management Design Manual.
- ▶ Water and sewage generation rates are from the 2014 New York State Department of Environmental Conservation Design Standards for Wastewater Treatment Works Intermediate Sized Sewerage Facilities.
- ▶ Trips in the PM Peak Hour are from Institute of Transportation Engineers Trip Generation Manual, 10th Edition as follows:
 - a. Industrial uses under the I-1 Zoning are calculated from Land Use 130 (General Light Industrial) at 0.63 trips in the PM Peak Hour per 1,000 square feet of gross floor area, assuming a one story structure, which is typical.
 - b. Lumber and building materials under the I-1 Zoning are calculated from Land Use 812 (Building Materials and Lumber Store) at 2.06 trips in the PM Peak Hour per 1,000 square feet of gross floor area, assuming a one story structure, which is typical.
 - c. Offices under the I-1 Zoning are calculated from the ITE’s Land Use 710 (General Office Building) with an average trip rate of 1.15 trips per 1,000 square feet of gross floor area (General Urban/Suburban Setting/ Location), assuming a permitted two-story structure which is typical.

- d. Schools under the I-1 Zoning are calculated from the ITE's Land Use Codes 520, 522, and 530 (averaged for an elementary, middle and high school) with an average trip rate of 1.177 trips per 1,000 square feet of gross floor area, assuming a permitted two-story structure which is typical. Other schools like community colleges and others may also qualify under the general land use category of schools.
- e. Single family detached housing (Land Use 210) used 0.99 trips per unit for the existing R-1 district and the R-L and R-N scenarios. The overall PMU build-out uses Residential Planned Unit Development (Land Use 270) with an average of 0.69 trips per dwelling unit.

No significant adverse impacts have been identified as a result of the elimination of the I-1 District and replacing it with the proposed PMU District and the other parcels in the Village where the I-1 District was eliminated and replaced with district designations appropriate to their existing uses.

Parking

The proposed Zoning amendments redefine the minimum rates of parking that are required to be provided for new development and redevelopment. Existing parking that is available to existing uses in the Village are not affected. This strategy is an official Village Policy found in the Comprehensive Plan's Policy 4.1.5 to: "Reduce the amount of required off-street parking (consistent with recommendations of the American Planning Association and the National Parking Association)" and Policy 4.1.6 to: "Incorporate a shared parking factor for different hours and different uses and recognize that customers in a cluster of stores park once and walk, visiting more than one store. This can reduce the number of parking spaces required and can enable business to meet parking requirements." Both policies have been incorporated into Section 134-17M of the proposed Zoning Law. This proposed change is important to consider in light of the numerous other recommended policy actions relating to parking, which total 20 separate official Village policies dealing with the issue. Implementing the reductions in off-street parking requirements should be viewed as part of other actions the Village has already implemented or may implement in the future as recommended in the Comprehensive Plan's policies for parking.

According to the Comprehensive Plan, there are about 2,500 on and off-street, non driveway parking spaces in the Village. This equates with nearly three (3) parking

spaces for each household in Cold Spring. The Comprehensive Plan recommends relying on standards of the American Planning Association and the National Parking Association for developing new parking standards. According to the American Planning Association: “A Business Case for Dropping Parking Minimums...new zoning reform policies help boost small businesses, promote housing development, and put people over parking.” In addition, according to the National Parking Association: “Many cities and municipalities have parking minimums that don’t right-size parking land use. The reduction or elimination of parking minimums will promote development, spur urban renewal and drive more affordable real estate projects that will drive livability in cities across the nation.”

One of the leading planners who has advocated for reducing or eliminating parking minimums has been Donald Shoupe, FAICP. According to Mr. Shoupe: “Parking requirements do so much harm...they add costs to the building of housing, and they increase the usage of cars and greenhouse gas emissions. They seem to work against almost everything that planners want.” In the Hudson Valley the City of Hudson has eliminated parking minimums, Buffalo, NY did so several years ago, and more than 130 other municipalities with less than 100,000 residents, including others in New York State have reduced or eliminated parking minimums. In San Diego for instance, a group of academic researchers in 2021 found that in the first year after undertaking parking reforms, proposals for affordable housing units jumped fivefold. According to Time magazine (published September 28, 2022): “From January 2023, cities in California will no longer be able to impose parking minimums for housing, retail, or commercial developments that sit within half a mile of major public transit stops, per a state law signed last week by Democratic Governor Gavin Newsom. The move will encourage developers to build more affordable homes for people who don’t want a parking space, and generate ‘more walkable neighborhoods and public transit,’ Newsom said. It’s a win, win.” Much of the Village is located within a one-half mile walk to the Metro-North station and the former Marathon Battery Factory site, proposed as a PUD, is located within one-half mile of the station.

The proposed changes to the Village’s parking requirements, while in place for many years, were most likely taken from other jurisdictions, rather than based upon a detailed study of the need for parking for each of the land uses permitted in the Village. This is the conclusion of a review of municipal parking minimum requirements conducted by the American Planning Association. In the American Planning

Association's Zoning Practice Issue 1.06 entitled "Practice Smart Parking", it states: "Although off-street parking requirements are now more than 80 years old, no textbooks in urban planning or transportation planning explain them. The only articles on parking requirements published in leading journals of the planning profession are severely critical of them, and no one has stepped up in their defense...Current parking policies in America are aesthetically, economically, environmentally, and intellectually bankrupt."

The proposed Zoning Law does not eliminate parking requirements but changes the rules by applying both a maximum and a minimum requirement for each land use, including a minimum of 1 space per dwelling unit and a maximum of 1.2 spaces dwelling unit rather than the existing 2 parking spaces per dwelling unit. Other land uses have also been modified to incorporate both minimums and maximums, based upon guidance provided by the Massachusetts Smart Growth/Smart Energy Smart Parking Model Bylaw. This model bylaw is highlighted by the American Planning Association as an example that can be used to help draft parking regulations. In addition to the above, the proposed amendments to Section 134-17.M also include use of shared parking table in wide use throughout the United States, that provides a means through a calculation made for dissimilar uses that can result in shared use (see Section 134-17.M(6)). The existing parking requirements do not account for the potential for shared use where complementary uses like an office and restaurant, have different needs depending on the time of day. Houses of worship are another example where the demand is for Sunday mornings but less so the rest of the week.

As stated above, the Village has an estimated 2,500 on- and off-street parking spaces but a perception exists that there is still not enough parking. However, the concept of induced demand has been studied extensively by transportation specialists and the conclusion is that the more parking that is provided, the more people will drive because it will be easier to find parking. Inducing such parking demand will also drive the potential for increasing traffic congestion in the Village, which can also increase frustration by those seeking parking as well as increasing greenhouse gas emissions by encouraging more driving. The solutions recommended by parking professionals to this conundrum is not to create more parking, but rather to more intelligently manage parking that is available and try to find ways to control demand for parking by, for example, sharing it, pricing it, and telling people where it is. As discussed herein, the Village Board has proposed eliminating the potential for a new oversupply of parking

spaces by reducing parking space standards for new development as proposed in the Chapter 134-17M amendments.

Some of the reasons why parking reforms have been spreading rapidly throughout the nation are as follows, courtesy of the Parking Reform Network:

- ▶ “Parking spaces are expensive. A cheap structured stall costs \$20,000 and in many cities \$40K-\$60K per stall is common. Underground parking can easily double the per-stall cost. As a general rule, \$10,000 in construction costs adds \$100/mo in needed rents. Conventional parking minimums can increase the rent or mortgage required for an apartment or house by \$200-\$500 per month.
- ▶ Car parking takes up lots of space! A parking space itself takes up about 180 square feet, but when ramps, driveways, and access paths are taken into account, it’s closer to 300 square feet per stall. Many jurisdictions require more than one space per home, particularly for townhouses and single family homes. In new apartments, the space taken for parking cars takes away from the space that could be housing people. In suburban communities, surface lots prevent walkable design and lead to sprawl.
- ▶ Car parking encourages more car ownership and more driving. When people can cheaply and easily park their cars, they’ll use them more often. When, because of parking lots, it’s difficult to walk somewhere, then driving and parking might be the only choice. When most people drive, it’s difficult to generate the density and demand for good transit service. Parking is never really free; the choice is between paying for it directly, through user fees, or indirectly through higher rents (for residential parking), lower wages (for commuter parking), and higher taxes (for on-street parking). Paying directly is more efficient and fairer, and help achieve strategic planning goals. Compared with cost-recovery pricing (motorists pay directly for the costs of building and operating parking facilities), unpriced parking typically increases vehicle trips by 10-30%, indicating that underpriced parking increases urban traffic congestion, crashes and pollution emissions by this amount.
- ▶ Car parking makes our communities less equitable. Parking requirements force car-free (and car-lite) households to pay for costly parking spaces they don’t need, and since vehicle ownership tends to increase with income, this often forces lower-income households to subsidize the parking costs of their more affluent neighbors.”

The changes to Village parking requirements can be expected to result in a number of benefits including:

- ▶ Reducing car dependency rather than increasing traffic congestion in the Village when new development or redevelopment of lots and uses are proposed.
- ▶ Encouraging visitors to come to Cold Spring by public transit rather than driving, reducing vehicle miles traveled and greenhouse gas emissions.
- ▶ Reducing impervious surfaces in the Village and therefore reducing stormwater management requirements and the potential for flooding.
- ▶ Reducing pollutants entering Village waterways leading to increased water quality.
- ▶ Increasing the potential for Village residents to maintain healthy lifestyles as more people exercise and walk or use bicycles for getting from point A to point B around the Village.
- ▶ Consistency with the character of the Village; much of Cold Spring was developed before there were cars and people had to walk.
- ▶ Reducing the cost of housing, especially rental housing by eliminating a need for more parking than is necessary, which drives up the cost of rental housing.
- ▶ Permitting greater flexibility in the review and approval processes of the Planning Board and Historic District Review Board, as they strive to permit new development and redevelopment consistent with the Village's Design Standards.
- ▶ Returning the Village to its traditional role as a place where living, work, play and life activities can all take place within walking distance of each other. Cold Spring is a typical example of the predominant "mile square" villages found throughout the Hudson Valley. Like other traditional villages, Cold Spring has virtually all areas of the Village that are within a one mile walk.

No significant adverse environmental impacts are expected as a result of modifying the parking requirements of the Village Zoning Law.

Affordable Housing

In June of 2019, the New York State Comptroller's office released a report entitled Housing Affordability in New York State. The report was clear that millions of renters and homeowners in New York State struggle with high housing costs. The report highlighted the issue at that time, which states: "As of 2017, nearly 2.8 million New York households faced housing costs that were 30 percent or more of their income, meaning they were above a commonly accepted benchmark for housing affordability. Almost half of all renters and more than one in four homeowners were in this category, according to U.S. Census Bureau data...The lack of affordable housing for many New Yorkers, which is driven by economic trends, also impacts the State's economy in turn. Employers may find it difficult to attract and retain well-qualified workers if those individuals are unable to afford the homes they would like. Housing affordability also affects the amount of income that households have available for other non-discretionary and discretionary spending, as well as for investments in savings or businesses. As significant numbers of households face housing costs above the affordability threshold, the consequences may include reduced potential for economic growth as well as troubling impacts on New Yorkers' quality of life."

The need for affordable housing in the Village was recognized and addressed in the adopted 2012 Comprehensive Plan. The proposed amendments to Chapter 134 have incorporated a variety of measures designed to increase the opportunities for affordable housing by including, as permitted uses, a diversity of new housing that could be accommodated within the Village while retaining its traditional character. Cold Spring's housing stock is old with 54% of residences predating 1939, which places the Village's housing stock as much older than in the rest of New York State, Putnam County, or the Town of Philipstown. Several large condominium and townhouse developments in the 1970s and 1980s added to the available housing with 141 of the 910 units occupied in 2000 built from 1975 - 1985 (Spring Brook, Chestnut Ridge, and Forge Gate).

According to the Comprehensive Plan, the number of rental properties during this period stayed about the same, but the number of owner-occupied housing units increased from 470 in 1980 to 563 in 2000 (almost 20%). Little housing has been added since the mid-1980s. In addition, there is little land left for development of new housing other than the Marathon site. Here, the proposed Zoning amendments have addressed housing need, in part, through a Planned Unit Development of the site with

a mandated mix of housing types that would potentially be available to persons making less than the median household income. This includes multi-family, two-family, cottages in cottage courts, and single family with an option to create an accessory apartment by landowners in the future. In addition, within the proposed PMU District, one-family to two-family conversions would be allowed and one-family to two-family conversions to multi-family would also be allowed with site plan approval.

Cold Spring's Comprehensive Plan specifically recommended that the housing needs of all residents be considered through Policies 1.4 and 1.4.1 that state: "Provide a variety of housing types and sizes to maintain the Village's existing population diversity... Amend the Zoning Law to require a variety of housing types and sizes in new major projects, consistent with traditional Village neighborhoods, to accommodate a variety of age and income groups and residential preferences. Allow single family, two-family, multi-family, cottage dwellings, live-work and work-live units, among others, all with performance standards to control impacts."

The proposed PMU District provisions specify that four dwelling unit types must be included, with none comprising less than 20% of the total number of housing units. These include one-family, two-family, multi-family, and cottages. In addition, live-work units, accessory apartments, conversions of one-family to two-family, and conversions of one- or two-family to multi-family are included.

In addition to the above, the Village Board has proposed removing barriers to affordable housing that are designed to make Cold Spring a more inclusive community through a number of new initiatives specifically included in the proposed Chapter 134 amendments as follows:

1. Create a range of housing opportunities and choices reflecting the Village's scenic, historic and "small-town" character through new opportunities for Village residents to convert existing one-family dwellings to two-family dwellings in all residential Zoning districts and in the B-1 and B-4 Zoning districts following approval of a special use permit by the Planning Board. In the B-4 District, only site plan approval would be necessary.
2. Encourage bicycling, walkability and use of public transit for residents without cars through statements of intent for the Residential and Planned Mixed Use Zoning

districts as well as standards to guide the Planning Board in the approval of applications for site plan, special use permit, and subdivision applications.

3. Reduce minimum parking requirements so rental properties can realize reduced rents and the cost of housing in general is reduced by reducing car dependency. As stated above under the EAF topic Parking: “Conventional parking minimums can increase the rent or mortgage required for an apartment or house by \$200-\$500 per month.” according to the Parking Reform Network. Cold Spring’s existing parking rules require two off-street parking spaces for each dwelling unit (see existing Section 134-7.C(8)). This is proposed to be lessened to a minimum of one parking space and a maximum of 1.2 parking spaces for each dwelling unit. (see proposed Section 134-17.M, Table 17-1: Table of Parking Requirements). A shared parking factor has also been proposed that would allow for dissimilar uses to share parking spaces, subject to specified conditions found in the proposed Section 134-17.M.(6)(a) through (d).
4. Create walkable neighborhoods where pedestrians have precedence over automobiles through complete streets policies. These proposed policies establish a commitment and vision for the Village to address the transportation needs of residents and visitors through the proposed Chapter 134 amendments. This is expected to begin the process of creating a complete and connected network of streets and sidewalks over time (as recommended in the Comprehensive Plan) by incorporating the needs of all users. (see proposed Section 134-7.B(2), Section 134-12.D.3.f.1 and 2, and Section 134-12.D.4.d.)
5. Take advantage of compact building design on smaller lots in the R-O and PMU districts to reduce the cost of land and construction. (see Table 6B: Table of Dimensional Requirements in Section 134-6.J, Section 134-7.A, Section 134-7.B(6), Section 134-7.C(1), Section 134-7.C(4), and Section 134-12 generally for proposed rules that encourage compact building designs in the proposed PUD provisions.
6. Strengthen and direct new development toward the last remaining large vacant area of potential redevelopment in the Village where infrastructure can be used more wisely, efficiently and cost effectively through a PUD within the PMU district. (see Section 134-12 generally).

7. Provide a diversity of housing types and sizes in the proposed PMU district to meet the needs of diverse income groups. Include single-family, accessory dwellings, two-family, cottage dwellings, multi-family units, and live-work units. Within this proposed Zoning district, a minimum mix of four of the six dwelling unit types would be required ensuring that at least 20 % of the overall density will be multi-family, cottages, two-family dwellings and one-family dwellings. The other two dwelling types would be permitted but not mandated. (see Section 134-12.C(1) through (4)).
8. The Zoning Law is proposed for amendments that would allow residential dwellings to be built in conjunction with commercial development in the PUD such as apartments above non-residential (see Section 134-6.I)
9. The review of the Marathon site development applications will require that SEQR be used more concertedly to assess the necessity of providing affordable housing in any new development proposed. (see purpose and intent of PMU District. (see Section 134-12.D.4(b) and Section 134-12.E(1)).
10. Expand the accessory dwelling provisions in the Zoning Law to allow apartments to be developed in existing residences, accessory structures or new construction. (see Section 134-6.I and Section Section 134-17.G)
11. Allow one-family and two-family dwelling conversions to multi-family in the R-L subdistrict by special use permit. (see Section 134-6.I)
12. Allow two-family dwellings to be constructed in all residential zoning districts and the B-1 District and mandate two-family in the PMU District. (see Section 134-6.I and (see Section 134-12.C(1) through (4)).
13. Mandate multi-family housing to be developed in the PMU District, and permit it in the MF, B-1, B-2 (by special use permit) and B-3 districts. (see Section 134-6.I and Section 134-12.C(4)(d)1 through 4).
14. Permit one-family to two family conversions in all residential districts including PMU and in the B-1 and B-4 districts. (see Section 134-6.I)

15. Permit home occupations with site plan approval in all residential districts including PMU, B-1 and B-4 and permit home occupations in accessory buildings in these same districts. (see Section 134-6.I).
16. Permit family day care homes, to help working families, in all residential districts and in the PMU and B-1 districts. (see Section 134-6.I).
17. Permit mixed uses, such as an apartment over a non-residential use, in the B-1, B-2, B-4, and PMU districts. (see Section 134-6.I).

The proposed Amendments to Chapter 134 can be expected to improve the potential for development of more affordable housing options in the future, than exist at present in the existing Zoning Law. The changes proposed above, if adopted, will be in effect following enactment of Local Law No. 1 of 2023 and such changes are not expected to create adverse impacts on housing affordability. However, such changes are expected to happen over time as applications for new development and redevelopment are submitted to the Village Planning Board for approval. No adverse impacts on affordable housing are expected as a result of the adoption of the Chapter 134 Amendments.

Attachment A: 6 NYCRR 617.7(c) Criteria for Determining Significance

(c) Criteria for determining significance:

- (1) To determine whether a proposed Type I or Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in this subdivision. The following list is illustrative, not exhaustive. These criteria are considered indicators of significant adverse impacts on the environment:
- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
 - (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a

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- threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
- (iii) the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;
 - (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
 - (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
 - (vi) a major change in the use of either the quantity or type of energy;
 - (vii) the creation of a hazard to human health;
 - (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
 - (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
 - (x) the creation of a material demand for other actions that would result in one of the above consequences;
 - (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
 - (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.
- (2) For the purpose of determining whether an action may cause one of the consequences listed in paragraph (1) of this subdivision, the lead agency must consider reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions which are:
- (i) included in any long-range plan of which the action under consideration is a part;

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- (ii) likely to be undertaken as a result thereof, or
 - (iii) dependent thereon.
- (3) The significance of a likely consequence (i.e., whether it is material, substantial, large or important) should be assessed in connection with:
- (i) its setting (e.g., urban or rural);
 - (ii) its probability of occurrence;
 - (iii) its duration;
 - (iv) its irreversibility;
 - (v) its geographic scope;
 - (vi) its magnitude; and
 - (vii) the number of people affected.